

REMARKS

Claim 6 was rejected under 35 U.S.C. §102(e) as being anticipated by Colosso (US 6,169,976). The applicant respectfully traverses this rejection for the following reason(s).

On page 2, in paragraph 4, the Examiner makes an assumption regarding the claimed operating system program. Such an assumption clearly indicates that the anticipating reference fails to disclose exactly what is claimed.

In order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Note here that the Examiner has not relied on "inherency," accordingly, each and every element must be expressly described in *Feinleib*.

"There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001, 18 USPQ2d 1896 (Fed. Cir. 1991).

Accordingly, the rejection is deemed to be in error because the Examiner's assumption clearly indicates that there is a difference between the claimed invention and the reference disclosure and each and every element as set forth in the claim is not found, either expressly or inherently described, in *Colosso*. Therefore, the rejection should be withdrawn.

Also, it has long been an accepted practice in the PTO to have the preamble give meaning to the claim and properly define the invention, *Gerber Garment Technology, Inc. v. Lectra Systems, Inc.*, 916 F.2d 683, 16 USPQ 2d 1436, 1441 (Fed. Cir. 1990).

The preamble of claim 6 defines and gives meaning to the term auxiliary memory as *an auxiliary memory for storing information set by the BIOS ROM*.

The Examiner refers us to "physical media - disk" and col. 18, lines 6-10 of Colosso, wherein Colosso discloses "In addition, because the licensing manager provides a mechanism that supports a limited number of part numbers for each licensed product (i.e. many licensed products may reside on a single physical medium), the number of different products in inventory is minimized."

Clearly there is no disclosure that the "physical medium," in the cited section of Colosso, is a "disk," not an *auxiliary memory*. There is no disclosure that the "physical medium" stores information set by a BIOS ROM. In fact, there is no mention of a BIOS ROM anywhere in Colosso.

Further, claim 6 calls for *a method of writing the product key information into the auxiliary memory when the operating system program is first installed*, the method comprising a steps of *making a user manually input the product key information corresponding to a procedure of installing the operating system program*.

Colosso discloses, with respect to Fig. 2A, that there may be a retailer who interacts with a customer and supplies a licensed product from a distributor to a customer (the distributor and the licensor may be the same entity). In this regard Colosso further discloses the "customer 240 has an administration client 242 that is coupled to one or more servers 244. One or more user clients 246a, 246b, 246n are coupled, directly or indirectly (for example, over a local area network) to the servers

244. The administration client 242, and the other clients referenced in this description, is an end station device such as a personal computer, workstation, network computer, printer, scanner, etc. **In the preferred embodiment**, the administration client 242 and the other clients have a processor that **executes an operating system and a browser program under control of the operating system**. The browser program is an industry-standard World Wide Web browser, such as Micro soft Internet Explorer.RTM., Netscape Navigator.RTM. or NCSA Mosaic."

Accordingly, the operating system program is not the "software program" assumed by the Examiner. Colosso discloses an already installed operating system, which as known in the art, can be a Windows operating system program, a Macintosh operating system program, or other known operating system program.

Accordingly, Colosso's invention does not concern *a method of writing the product key information into the auxiliary memory when the operating system program is first installed*, since the operating system disclosed in Colosso is already installed.

Also, there is no mention of *product key information* anywhere in Colosso.

As noted previously, in order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed.

Since Colosso fails to discuss when the **operating system** disclosed therein is **first installed**, and fails to disclose **product key information**, then Colosso fails to anticipate claim 6.

With respect to the feature of *making a user manually input the product key information corresponding to a procedure of installing the operating system program* set forth in claim 6, the Examiner refers us to col. 9, lines 2-6 and 40-50 of Colosso. In the cited section of, Colosso discloses that because "licensed products are disabled when shipped, during the installation the

customer 240 is required to provide **certain key information** to the installation program in order to install and activate a particular product," and "the customer 240 executes the installation program in order to install the licensed product at the customer's site. For example, the licensed product is installed on one of the servers 244 that can be accessed over the customer's network. When the customer executes the installation program, the customer is queried to enter the **key information** by the installation program. When the installation program is complete and the licensed product is fully installed, the licensed product employs a verification scheme that uses the key information to regulate the number of concurrent users of the licensed product."

The "**key information**" in the cited sections of Colosso are not described as product key information. When considering what Colosso teaches, we must look at all of Colosso's disclosure, not just certain parts that **might** support the rejection. It is impermissible within the framework of §102 or §103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *See In re Wesslau*, 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965); see also *In re Mercer*, 515 F.2d 1161, 1165-66, 185 USPQ 774, 778 (CCPA 1975).

Accordingly, to fully appreciate what Colosso discloses, we look to the whole disclosure to determine what was meant by the term **key information**. Colosso's claim 1 stipulates that the key information is based on sales information, wherein **the key information comprises information identifying the licensee, an installation key and an encrypted activation key**. Claim 8 lacks antecedent basis, but indicates that an encrypted installation key contains **a representation of information identifying the licensed product**.

There is no disclosure that the licensed product is an operating system, and as argued previously, since the operating system on Colosso must be started before installing the licensed

product, and entering the key information, Colosso fails to anticipate the feature of *making a user manually input the product key information corresponding to a procedure of installing the operating system program.*

Claim 6 also calls for *executing a product key information writing program; and writing the manually input product key information into the auxiliary memory.* As discussed above, the auxiliary memory is defined as a memory for storing information set by the BIOS ROM, which is not found in Colosso. Accordingly, Colosso fails to disclose *executing a product key information writing program* wherein the *writing program* writes *the manually input product key information into the auxiliary memory.*

Accordingly, the rejection of claim 6 is deemed to be in error and should be withdrawn.

Claims 1, 2, 4, 5 and 8-10 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Colosso in view of Markus et al. (US 6,490,601). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 1, in part, calls for *storing means for storing the operating system program; memory means for storing the product key information of the operating system, said product key information being input by a user, when the operating system program is installed in the storing means; and writing means for writing the product key information in the memory means.*

With respect to the foregoing features, the Examiner applies the teachings of Colosso. As noted with respect to claim 6, Colosso discloses an operating system program. The Examiner correctly assumes that an operating system program is a software program, as is well known in the

art. However, the operating system program is not just **any** software program, but a program that enables a computer to function in a predetermined fashion, Windows XP being a recent example of an operating system program.

As noted with respect to claim 6, however, Colosso does not disclose installing the operating system program, but instead discloses that the operating system program is already installed. Accordingly, Colosso inherently has a *storing means for storing the operating system program*.

Colosso fails, however, to teach *memory means for storing the product key information of the operating system, said product key information being input by a user, when the operating system program is installed in the storing means* since the operating system is already installed in Colosso and therefore does not need to be installed by the user. Accordingly, Colosso provides no teaching regarding *the product key information of the operating system*. In the same vain, Colosso provides no teaching regarding *writing means for writing the product key information in the memory means*.

Markus et al. (*hereafter*: Markus) does not provide any teachings regarding the foregoing features of claim 1, and the Examiner has not applied Markus in this regard. Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

The Examiner correctly notes that Colosso provides no teaching regarding *input means for reading out the product key information from the memory means and inputting the read-out product key information in an information input window for product certification of the operating system program when a product key of an operating system program being reinstalled is matched with the read-out product key information*.

Here, the Examiner refers us to Markus' teachings, however Markus is also silent in this regard. A review of Markus finds no mention of an *operating system* nor of an *operating system program being reinstalled*.

The Examiner incorrectly suggests that Markus' teaching of col. 5, lines 29-44, *i.e.*, "In another aspect of the invention, a server for enabling automatic insertion of user information into an electronic form having multiple fields on a remote computer capable of communicating with the server is described. The server contains a memory area storing a multiple raw data profiles where each raw data profile corresponds to a registered user of the privacy bank service. Another memory area stores multiple form mappings, each form mapping corresponding to a particular form registered with privacy bank service by a merchant or third-party vendor. A comparison module compares or "negotiates" user-preference data contained in the raw data profiles with practice-preference data contained in the form mappings. A software module constructor prepares and transmits a shippable program or software module that can be executed on a remote computer thereby inserting data strings into an electronic form on the remote computer."

As can be seen from the foregoing, Markus is silent with respect to the reinstallation of any software program, much less the operating system program. The well known definition of an operating system, as provided by <http://whatis.techtarget.com> is:

An operating system (sometimes abbreviated as "OS") is the program that, after being initially loaded into the computer by a boot program, manages all the other programs in a computer. The other programs are called applications or application programs. The application programs make use of the operating system by making requests for services through a defined application program interface (API). In addition, users can interact directly with the operating system through a user interface such as a command language or a graphical user interface (GUI).

An operating system performs these services for applications:

- In a multitasking operating system where multiple programs can be running at the same time, the operating system determines which applications should run in what order and how much time should be allowed for each application before giving another application a turn.
- It manages the sharing of internal memory among multiple applications.
- It handles input and output to and from attached hardware devices, such as hard disks, printers, and dial-up ports.
- It sends messages to each application or interactive user (or to a system operator) about the status of operation and any errors that may have occurred.
- It can offload the management of what are called batch jobs (for example, printing) so that the initiating application is freed from this work.
- On computers that can provide parallel processing, an operating system can manage how to divide the program so that it runs on more than one processor at a time.

All major computer platforms (hardware and software) require and sometimes include an operating system. Linux, Windows 2000, VMS, OS/400, AIX, and z/OS are all examples of operating systems.

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

Claim 8 concerns a method of automatically re-inputting product key information of an operating system program when reinstalling the operating system program.

Both computer system of Colosso and Markus comprise operating system programs, however, neither Colosso nor Markus teach **reinstalling** the operating system program, nor automatically re-inputting product key information of an operating system program when reinstalling the operating system program. In fact there is no discussion in either reference pertaining to the reinstallation of any software program.

The Examiner fails to identify where either of the references teach automatically re-inputting product key information of an operating system program when reinstalling the operating system program.

Note, *Ex parte Levy*, 17 USPQ2d 1461, 1462 (1990) states:

"it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

Additionally, there is no teaching of *an auxiliary memory having the product key information, manually input by a user when the operating system program was first installed, stored therein.*

Here the Examiner refers us to Colosso, col. 17, lines 60-65, which fails to mention an auxiliary memory, and fails to teach product key information of an operating system program.

Accordingly, there is no teaching of *reading out the product key information from the auxiliary memory; checking whether the read-out product key information is matched with product key information of an operating system program that will be reinstalled; and if matched, automatically inputting the product key information in a product key information input window displayed on a screen corresponding to an installation procedure for installing the operating system program.*

Accordingly, the rejection of claim 8 is deemed to be in error and should be withdrawn.

Therefore, claims 1, 2, 4, 5 and 8-10 are not obvious under 35 U.S.C. §103(a) in view of the combined teachings of Colosso and Markus.

Claim 3 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Colosso and Markus as applied to claim 1, and in further view of Ledain et al. (US 6,021,408). The Applicant respectfully traverses this rejection for the following reason(s).

Ledain et al. (hereafter: Ledain) fails to provide any teaching supporting the rejection of claim 1, wherein it has been shown above that several features of claim 1 are not taught by the combined teachings of Colosso and Markus, and Ledain fails to provide any teaching regarding these missing features of Colosso and Markus.

Additionally, claim 3 calls for *the memory means further stores information indicating the type of operating system program that was installed and indicating a compress conversion process of the product key information.*

First, note that neither Colosso nor Markus teach compressing product key information, thus there can be no *information . . . indicating a compress conversion process of the product key information.*

The Examiner has applied Ledain as a general teaching of compressing data for storage to allow for more information to be stored in a given space leading to more efficient use of memory.

Product key information is generally known as a code comprising series of numbers and letters of about 25 characters in length. Since such product key information is so small, data wise, there does not appear to be any need for compressing such data, because the data does not take much memory space. Additionally, Colosso teaches encrypting the product key information, and performing an encryption process as well as a compression process leaves room for data error when decompressing and decrypting. Accordingly, one of ordinary skill in the art, being aware of such possible error, would not have been motivated by Ledain to compress the product key information of Colosso.

Accordingly, the rejection of claim 3 is deemed to be in error and should be withdrawn.

Claim 7 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Colosso as applied to claim 6, in further view of Miura (US 5,930,505). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 7 calls for *deleting the product key information writing program after the product key information is written into the auxiliary memory.*

Miura concerns generating a program from data stored in an auxiliary memory of small size, such as a floppy disk. The data of the auxiliary memory is always maintained so that the program can be regenerated when needed.

Colosso does not generate a program from stored data. Accordingly, the write program used by Colosso must be maintained because there are no means for regenerating the program. One of ordinary skill in the art would have no reason to store source code data for Colosso's write program in an auxiliary memory, such as a floppy disk, from which a write program could be generated.

Note that in order to generate a program from source code data, Miura teaches utilizing a "program HF provides for driving a program generator, a program HC for conducting a generated program, and a program for carrying out the administration of "peripheral" or systems."

Accordingly, much memory space is required for such programs, *i.e.*, a program HF provides for driving a program generator, a program HC for conducting a generated program, and a program for carrying out the administration of "peripheral" or systems, and it would make little sense to store these three programs in memory just to generate Colosso's write program, instead storing Colosso's single write program in memory.

The Examiner suggests that erasing Colosso's write program would prevent unauthorized installation in the case that only one installation is allowed. There has been no showing that only

one installation is allowed in Colosso, and deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) and *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Miura does not teach erasing a program because only one installation is allowed.

Accordingly, the rejection of claim 7 is deemed to be in error and should be withdrawn.

Claims 11, 12, 21 and 22 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Colosso in view of Markus and in further view of Sobel (US 6,205,558). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 11, for example, calls for, in part, *manually inputting, using one of said input devices, product key information corresponding to said operating system program, said product key information being input into a product key input window of a product key input screen displayed on said display device.*

As discussed previously, Colosso is silent with respect to installation of an operating system program and its corresponding product key information. Neither Markus nor Sobel were applied in this regard.

Additionally, claim 11 calls for a **system recovery method** comprising, in part, *executing a key input program stored on said hard disk for writing said product key information into a predetermined storage area of said CMOS RAM.*

Here, the Examiner refers us to Colosso, col. 17, lines 55-61, which state: " In running the new installation program, the new installation program displays a pop-up window on the

administration client that prompts the customer to enter the new key information and customer domain name. Using the new key information and customer domain name, the new installation program attempts to decrypt the previously stored activation key."

The cited section of Colosso is directed towards upgrading an already installed product, not system recovery, and provides no teaching of *writing said product key information into a predetermined storage area of said CMOS RAM*. Neither Markus nor Sobel were applied in this regard.

Also, claim 11 calls for a **system recovery method** comprising, in part, *executing a recovery program stored in a recovery storage device when said operating system program fails*.

The Examiner finally notes, here, that neither Colosso nor Markus provide a teaching regarding a **system recovery method**, as pointed out above. Accordingly, the Examiner applies Sobel in this regard.

Sobel, however, also fails to disclose or teach a **system recovery method**. Instead, Sobel concerns executing a recovery program (130) for restoring a file system structure to an intact state, the recovery program (130) uses the copy of a boot record (110) to restore the boot record (110) to its original state. This allows for the recovery of the file system structure **without intervention by a user**, and without loss of information. Sobel is not concerned with recovery **when an operating system fails**, but is instead concerned with execution of a file system structure modification procedure (406) which can leave the file system structure in an invalid state.

Accordingly, Sobel is not directed towards a **system recovery method**, and appears to teach away from the step of *manually inputting, using one of said input devices, product key information*

corresponding to said operating system program by stating, in the abstract, **without intervention by a user.**

This teaching away from the invention is an important indication of non-obviousness. *See, e.g. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc. Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

The Examiner erroneously suggests that one of ordinary skill in the art would have included a recovery program as taught by Sobel, in the system of Colosso and Markus, "because whenever one configures or reconfigures a system where there is always the possibility of error or inadvertent reset." However, neither Colosso nor Markus are concerned with **configuring or reconfiguring a system**. Additionally, neither concern file system structure modification.

There has been no showing that the installation of a licensed product as discussed in Colosso, nor Markus' inserting data strings into an electronic form, will cause modification of a file system structure (such file system structure being described in Sobel), leading to possible error.

Therefore, one of ordinary skill in the art would not have been motivated to look to Sobel for a solution to a problem that is unknown to exist in Colosso and Markus.

None of the applied references, Colosso, Markus and Sobel concern operating system recovery, and Colosso teaches, at step 752 for example, that when the customer 302 runs a new installation program that is provided with a product upgrade, the new installation program displays a pop-up window on the administration client that **prompts the customer to enter the new key information** and customer domain name. It is desired in Colosso that in using the new key information and customer domain name, the new installation program attempt to decrypt a previously stored activation key. Accordingly, the customer must enter the key information. If the

proper information is entered, then, by correctly decrypting the previously stored activation key the new installation program **verifies that the customer is attempting to upgrade the correct licensed product with a valid new activation key.** The new installation program then installs the product upgrade **based on the information that is contain in the fields of the new activation key.**

It is well known in the art that the it is desired that the user input product key information instead of having product key information be automatically entered due to the possibility that a licensed product being stolen. If one attempts to install the product without knowing the product key then the installation process will fail. Accordingly, it is desired in Colosso for the customer to enter the key information. A modification for automatically inputting the key information would destroy the intended purpose of Colosso's device to prevent unauthorized installation of a licensed product, and such destruction is an important indication of non-obviousness, see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Accordingly, there a prima facie showing in the applied art of a step of *automatically inputting the product key information read out from said CMOS RAM into said product key input window of the product key input screen displayed on said display device*

Also, there is no showing that the new key information input by the customer is the same as the stored key information. If that was the case then a **new activation key** would not be necessary. There is no showing that the new key information input by the customer is compared to previously stored key information. There is only a teaching in Colosso that the new key information is used in the decrypting a previously stored activation key. Accordingly, since Colosso teaches user input of new key information, and there is no teaching of comparing the input new key information with stored key information, there is no prima facie showing in the applied art of a step of *comparing said product key information read out from said CMOS RAM with product key information stored in said recovery storage device.*

Accordingly, the rejection of claims 11, 12, 21 and 22 is deemed to be in error and should be withdrawn.

Claims 13 and 15-19 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Colosso, Markus and Sobel as applied to claims 11 and 12, and in further view of Ledain. The Applicant respectfully traverses this rejection for the following reason(s).

Ledain fails to provide the necessary information need to support the rejection of claim 11, such information being the teachings noted as lacking in the combination of Colosso, Markus and Sobel above. Accordingly, the rejection of dependent claims 13 and 15-19 is deemed to be in error for the same reasons as argued above with respect to the rejection of claim 11.

Additionally, the Examiner has applied Ledain as a general teaching of compressing data for storage to allow for more information to be stored in a given space leading to more efficient use of memory.

Product key information is generally known as a code comprising series of numbers and letters of about 25 characters in length. Since such product key information is so small, data wise, there does not appear to be any need for compressing such data, because the data does not take much memory space. Additionally, Colosso teaches encrypting the product key information, and performing an encryption process as well as a compression process leaves room for data error when decompressing and decrypting. Accordingly, one of ordinary skill in the art, being aware of such possible error, would not have been motivated by Ledain to compress the product key information of Colosso.

Further, claim 13 concerns the step of executing a key input program set forth in claim 11, which comprises as a first step, *reading said product key information from said hard disk*.

The hard disk is the disk of the computing system in which the operating system is stored. See the preamble of claim 11.

The Examiner discusses Colosso's teaching found in col. 18, lines 6-10 which describe a **licensing manager** which provides a mechanism that is convenient to a customer and **which can be easily used by distributors** who are not intimately familiar with the licensed product. In addition, **the licensing manager** provides a mechanism that supports a limited number of part numbers for each licensed product (i.e. many licensed products may reside on a single physical medium), the number of different products in inventory is minimized.

There is no teaching in the cited section of Colosso concerning *product key information* nor any teaching suggesting the *reading of product key information from a hard disk* of the customer's computing system in which the operating system is stored.

It is improper to pick and choose among the individual elements of assorted prior art references to recreate the claimed invention. See, e.g., *Azko N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1481, 1 USPQ2d 1241, 1246 (Fed. Cir. 1986), cert. denied, 107 S.Ct. 2490 (1987).

Claim 13 also calls for *storing said encoded product key information in said predetermined storage area of said CMOS RAM*.

The Examiner notes that CMOS RAMs are known in the art to store parameters. The Examiner does not provide any reason to store Colosso's encoded (encrypted) key information in such a CMOS RAM. That a prior art device could be modified to produce the claimed device does

not justify an obviousness rejection unless the prior art suggested the modification's desirability. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, the rejection of claims 13 and 15-19 is deemed to be in error and should be withdrawn.

With respect to the rejection of claims 15-19, the Examiner takes Official Notice that the steps cited therein are known in the art, and thus would have been obvious.

MPEP §2144.03 states:

" The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. *In re Ahlert*, 424 F.2d 1088, 165 USPQ 418, 420 (CCPA 1970) (Board properly took judicial notice that "it is common practice to postheat a weld after the welding operation is completed" and that "it is old to adjust the intensity of a flame in accordance with the heat requirements."). See also *In re Seifreid*, 407 F.2d 897, 160 USPQ 804 (CCPA 1969) (Examiner's statement that polyethylene terephthalate films are commonly known to be shrinkable is a statement of common knowledge in the art, supported by the references of record.).

If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that judicial notice can be taken, it is sufficient so to state. *In re Malcolm*, 129 F.2d 529, 54 USPQ 235 (CCPA 1942). If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.

The applicant does not believe that the Examiner's taking of Official Notice is justified, because it is not believed to be common practice in the art of encryption to convert each ASCII character into a six bit code, and then generating hexadecimal values by grouping the bits of the six bit codes corresponding to every four ASCII characters into three bytes. Nor is it believed to be

common practice in the art in converting each ASCII character into a six bit code to subtract the hexadecimal value 30h from the hexadecimal of the ASCII character, or by reading preset hexadecimal values for each ASCII character from a code table and changing the read hexadecimal values to binary values.

Nor is it believed to be common practice in the art to convert each ASCII character into a five bit code, and generate hexadecimal values by grouping the bits of the five bit codes corresponding to every three ASCII characters into two bytes. Nor is it believed to be common practice in the art in converting each ASCII character into a five bit code to read preset hexadecimal values for each ASCII character from a code table and changing the read hexadecimal values to binary values.

Accordingly, the Examiner should provide art that teaches such conversion processes.

Furthermore, the Examiner should provide a reason which would support a *prima facie* basis of obvious as to why one of ordinary skill in the art would use such conversion processes in Colosso. That a prior art device could be modified to produce the claimed device does not justify an obviousness rejection unless the prior art suggested the modification's desirability. *In re Gordon*, supra.

Claim 14 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Colosso, Markus, Sobel and Ledain as applied to claim 13, in further view of Miura. The Applicant respectfully traverses this rejection for the following reason(s).

Miura fails to provide the necessary information need to support the rejection of claim 11, such information being the teachings noted as lacking in the combination of Colosso, Markus and Sobel above.

Additionally, Miura fails to provide the necessary information need to support the rejection of claim 13, such information being the teachings noted as lacking in the combination of Colosso, Markus, Sobel and Ledain above.

Accordingly, the rejection of dependent claims 14 is deemed to be in error for the same reasons as argued above with respect to the rejection of claims 11 and 13.

Claim 20 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Colosso, Markus and Sobel as applied to claim 11, and in further view of Pearce et al. (US 6,243,468 (*hereafter: Pearce*)). The Applicant respectfully traverses this rejection for the following reason(s).

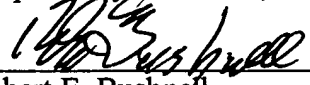
Pearce fails to provide the necessary information need to support the rejection of claim 11, such information being the teachings noted as lacking in the combination of Colosso, Markus and Sobel above.

Accordingly, the rejection of dependent claims 20 is deemed to be in error for the same reasons as argued above with respect to the rejection of claim 11.

The examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,


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